

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DEWINA L. DANLEY.)	
)	Civil Case No. 16-cv-2872
)	
Plaintiff,)	Judge Sharon Johnson Coleman
)	Magistrate Judge Jeffrey Cole
v.)	
)	MOTION TO EXTEND THE TIME
JOYCE R. ZYDLO, individually and as Trustee)	FOR DEFENDANT TO FILE HER
of the Stanley M. Zydlo Trust, date[d])	RESPONSIVE PLEADING
May 26, 1981,)	
)	
Defendant)	

**MOTION TO EXTEND THE TIME FOR DEFENDANT TO FILE HER RESPONSIVE
PLEADING**

Defendant, Joyce R. Zydlo, individually, and as Trustee of the Stanley M. Zydlo Trust, dated May 26, 1981 (“Joyce”)¹, by her attorney, Jeffrey C. Blumenthal, for her Motion to Extend the Time for Defendant to File her Responsive Pleading, states as follows:

1) Defendant’s counsel was injured on July 3, 2016. As a result of the injury, Defendant’s counsel has not been able to work at full capacity for the last eleven days.

¹ In its First Amended Complaint, Plaintiff captions the defendant as “Joyce R. Zydlo individually and as Executor and Trustee of the Stanley Zydlo Trust date (sic) May 26, 1981” (Emphasis added). However, the initial Complaint and the Summons that were served and filed were against “Joyce R. Zydlo individually and as Trustee of the Stanley M. Zydlo Trust, date[d] May 26, 1981”. While Defendant assumes that Plaintiff seeks to name Joyce R. Zydlo, as Executor of Stanley Zydlo’s Estate in the First Amended Complaint, as well as naming Joyce Zydlo, individually and as Trustee of Dr. Zydlo’s Trust, the First Amended Complaint does not specifically state what Estate is being referred to in either the caption or the “Parties” section of the First Amended Complaint. Moreover, Plaintiff never sought leave to add Joyce Zydlo, as a party defendant, in her capacity as Executor of Dr. Zydlo’s Estate. This is just one of a myriad of sloppy procedural/pleading errors in the First Amended Complaint. Counsel for Ms. Zydlo does not list Joyce Zydlo, as an Executor of the Estate, either in the caption of the suit or as being represented because counsel believes that she has not been properly added as a party defendant in that capacity.

2) Defendant's counsel is having surgery on the morning of July 14, 2016 related to the referenced injury. Counsel believes that he will be able to begin work on Monday, July 18, 2016, and hopes to be fully recuperated by that date, but can't guarantee it.

3) Defendant Zydlo's Responsive Pleading to the First Amended Complaint is currently due on Monday, July 18, 2016.

4) As a result of being slowed by the injury and the time that will be lost due to the surgery, Defendant Zydlo's counsel requests an additional ten (10) days to and including July 28, 2016 to file her Responsive Pleading to the First Amended Complaint.

3) No one will be prejudiced if the Court grants the Motion and the granting of the Motion will further the interests of just.

WHEREFORE, Defendant Joyce R. Zydlo, individually, and as Trustee of the Stanley M. Zydlo Trust, dated May 26, 1981, respectfully requests that this Court enter an Order:

(A) Extending the time for Defendant to file her pleading responsive to the First Amended Complaint to and including July 28, 2016; and

(B) Awarding such other and further relief as the Court deems just and appropriate under the circumstances.

Respectfully Submitted,
Defendant, Joyce R. Zydlo, individually and
as Trustee of the Stanley M. Zydlo Trust, dated
May 26, 1981,

By: /s/Jeffrey C. Blumenthal
Her Attorney

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Motion Extend the Time for Defendant to File Her Responsive Pleading was served on the below counsel for the plaintiffs via the Court's ECF system on July 13, 2016

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By: /s/Jeffrey C. Blumenthal
Attorney for Defendant, Joyce R. Zydlo